THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 13009 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-APSPDCL.

On the ground that the petitioner demanded more dowry attempted to kill his wife, the respondent, pending enquiry into the allegations, placed the petitioner under suspension and directed payment of subsistence allowance. It is this order, which the petitioner has assailed in this writ petition.

A reading of the impugned order would disclose that the matter would be reviewed after three months from the date of its passing, and the petitioner states that he is not aware whether the respondent after expiry of three months reviewed his case.

In **P. Rajender v. Union of India**[1], a Division Bench of this court held that suspension pending investigation, inquiry or trial is interim in nature, that the rule suggested that an order of suspension is not required to be passed only because it was lawful to do so, that an application of mind on the part of the competent authority is *sine qua non* for passing order of suspension, and that before passing an order of suspension, it is expected that the appropriate authority shall not only take into consideration the public interest, but shall also take into consideration the relevant facts and attendant circumstances as to how far and to what extent the public interest may suffer if the delinquent officer is not placed under suspension.

In the instant case, inasmuch as the petitioner has been placed under suspension pending enquiry into the allegations of demanded dowry, and having regard to the fact that the suspension order itself provides for review of the suspension after three months from the date of its passing, the respondent shall having regard to the judgment of the Division Bench of this Court in **P. Rajender v. Union of India**, review the case of the petitioner for revocation of suspension, taking into consideration as to how far and to what extent the public interest would suffer if the petitioner is not placed under suspension, and pass appropriate orders, expeditiously.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 29th June, 2006.
KSR

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[1] 2001 (5) ALD 290 (DB)